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Siskiyou; Jeremiah LaRue and Jesus
Fernandez, in their official capacities
as members of the Siskiyou County
Sheriff's Department and in their individual
capacities; Brandon Criss, Ed Valenzuela,
Michael N. Kobseff, Nancy Ogren, and
Ray A. Haupt, in their official capacities
as members of the Siskiyou County Board
of Supervisors and in their individual
capacities; Edward Kiernan, in his official
capacity as County Counsel for Siskiyou
County and in his individual capacity;
and DOES 1-100

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

Dilevon Lo, Jerry Vang, Nathan Thao, Mao
Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia
Thai Vang, Zeng Lee, Der Lee and Khue Cha,

Plaintiffs,

vs.

County of Siskiyou; Jeremiah LaRue and
Jesus Fernandez, in their official capacities as
members of the Siskiyou County Sheriff's
Department and in their individual capacities;
and Brandon Criss, Ed Valenzuela, Michael N.
Kobseff, Nancy Ogren, and Ray A. Haupt, in
their official capacities as members of the
Siskiyou County Board of Supervisors and in
their individual capacities; Edward Kiernan, in
his official capacity as County Counsel for
Siskiyou County and in his individual
capacity; and DOES 1-100,

Defendants.

Case No. 2:21-cv-00999-KJM-DMC

**DECLARATION OF J. SCOTT DONALD
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
REQUEST FOR PRELIMINARY
INJUNCTION**

Complaint Filed: June 4, 2021

**[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

1 I, J. Scott Donald, declare that I am an attorney at law licensed to practice in the State of
2 California, a partner with the law firm of Spinelli, Donald & Nott, and the attorney of record for
3 Defendants of the County of Siskiyou herein. I have personal knowledge of the matters contained
4 herein and if called as a witness in this matter, I could competently testify to the truth of the
5 following matters:

6 1. On the afternoon of June 29th, this office was contacted by Counsel for Plaintiffs
7 requesting a continuance of the hearing so they would have more time to prepare their supporting
8 brief. Counsel indicated that the extra time was necessary due to forced evacuations of their clients
9 located in MSV as a result of the Lava fire.

10 2. Plaintiffs' Counsel stated that they intended to file a request to this Court for an
11 extension, which was then submitted on June 29, 2021.

12 3. Pursuant to the Minute Order notifying the parties that the request for a continued
13 briefing scheduled was granted, this office agreed with Plaintiffs' request to continue the hearing
14 schedule for the filing of Plaintiffs' moving papers, opposition, reply and hearing for one week
15 each.

16 4. Attached to this declaration as Exhibit A, is a chart which has been prepared purely
17 for the ease of reviewing in one place factual information from multiple declarants, all of whom
18 have provided declarations to this opposition. This information is further contained in the Statement
19 of Facts under the subheading "Plaintiffs."

20 I declare under penalty of perjury of the laws of the United States of America that the
21 foregoing is true and correct. Executed this 28th day of July, 2021 at Sacramento, California.

22
23
24 /s/ J. Scott Donald
J. Scott Donald

EXHIBIT A

PLAINTIFF/ IDENTIFYING INFORMATION	RESIDENCE	SHERIFF DEPT RECORDS	COUNTY ACTION TAKEN ON RELEVANT ORDINANCES
<u>DILEVON LO</u> Declaration indicates he is 23 yrs old. DOB 09/24/1997	Declaration, no evidence of residence. Assessor's Office has no record of property ownership.	Records indicate that he is not a resident of the County and has an address outside of the County. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office	Water truck seized as evidence for violating County Code 3.5-13.102. on 05/04/21 No water permits applied for
<u>JERRY VANG</u> Declaration indicates he is 62 yrs old. DOB 08/10/1958	Declaration, no evidence of residence. Assessor's Office has no record of property ownership.	Records indicate that he is not a resident of the County and has an address outside of the County. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office	Water truck seized as evidence for violating County Code 3.5-13.102. on 05/05/21 No water permits applied for
<u>NATHAN THAO</u> Declaration indicates he is 66 yrs old. No DOB information	Declaration indicates he "owns property" off Highway A-12 No record of residence at County Assessor	No information. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office	No citations No water permits applied for
<u>MAO THAO</u> Declaration indicates he is 49 yrs old. Per Sheriff's citation his DOB is 08/16/1961, making him 59 yrs old.	Declaration does not indicate he is a resident or owns property in the County. No record; the Assessor's Office indicates he dedeed property he owned to Lo Yee on 11/17/2016 for three parcels. Source: Craig Kay, Siskiyou County Assessor-Recorder.	Records indicate that he is not a resident of the County and has an address outside of the County. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office	Unrelated citation for running stop sign No water permits applied for

<p><u>PAO LEE</u> aka: Pao Choua Lee; Declaration indicates he is 32 yrs old. DOB 05/26/1988 per Sheriff's citation</p>	<p>Declaration does not indicate that he owns property in Siskiyou County but indicates that his grandfather does. No record; the Assessor's Office indicates he owned property until 09/24/2020 when it was deeded to Kou Chang. Source: Craig Kay, Siskiyou County Assessor-Recorder.</p>	<p>Records indicate that he is not a resident of the County and has an address outside of the County. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office</p>	<p>Violation of County Ordinance 3-4.1501, water truck prohibited on specified road on 05/14/21 No water permits applied for</p>
<p><u>ANTONIO LEE</u> Declaration indicates he is 23 yrs old. DOB is 08/19/1997 per Sheriff's citation.</p>	<p>No information in declaration indicating property owner or resident for Siskiyou County. Assessor's Office has no record of property ownership</p>	<p>Records indicate that he is not a resident of the County and has an address outside of the County. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office</p>	<p>No citation, passenger in Pao Lee's truck No water permits applied for</p>
<p><u>KOUA LEE</u> 39 yrs old, DOB is 08/16/81 Source: Donna Hamilton, Criminal Records Tech, Siskiyou County Sheriff's Office</p>	<p>Declaration indicates he is a resident of Siskiyou County. The Assessor's Office indicates he owns five parcels in Siskiyou County; all parcels are raw land; no building permits issued. Source: Craig Kay, Siskiyou County Assessor-Recorder</p>	<p>He was detained on 6/8/17 for a search warrant at 7638 White Pine Rd in KRCE subdivision; at the time he indicated he lived there and it was his brother's property. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office</p>	<p>No record of citations in CAD system; unrelated detainment during illegal cannabis cultivation search warrant on 6/8/17. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office No water permits applied for</p>

<p><u>NHIA THAI VANG</u> Declaration indicates he is 75 yrs old.</p>	<p>Declaration indicates he is a resident and property owner in Siskiyou County.</p> <p>The Assessor's Office indicates he owns one parcel in Siskiyou County. Assessed w/ SFD, well, septic, pressure system, utility shed, greenouse. No building permits issued in system. Source: Craig Kay, Siskiyou County Assessor-Recorder.</p>	<p>No records of him in CAD system. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office.</p>	<p>No record of citations in CAD system. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office.</p> <p>No water permits applied for</p>
<p><u>ZENG LEE</u> Declaration indicates he is 49 yrs old.</p>	<p>Declaration indicates he owns property in Siskiyou County (MSV).</p> <p>The Assessor's Office indicates he owns one parcel in Siskiyou County, assessed as raw land. No building permits issued in system. Source: Craig Kay, Siskiyou County Assessor-Recorder.</p>	<p>Records indicate he is a resident of a home address in Anchorage, AK; mailing address in Oroville, CA. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office.</p>	<p>CAD records indicate he was pulled over 7/13/18 for brake light out; at that time there was an outstanding warrant from Bass Lake, CA.</p> <p>No water permits applied for</p>
<p><u>DER LEE</u> Declaration indicates he is 56 yrs old.</p>	<p>Declaration, claims he owns property in Siskiyou County (MSV) purchased in 2015.</p> <p>The Assessor's Office indicates he owns one parcel in Siskiyou County. Assessed as raw land. No building permits issued in system. Residence listed in Minneapolis, MN. Source: Craig Kay, Siskiyou County Assessor-Recorder</p>	<p>His name does not appear in the CAD system. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office</p>	<p>No record of citations. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office</p> <p>No water permits applied for</p>

<p><u>KHUE CHA</u> Alleges he is 75 yrs old. Source: Craig Kay, Siskiyou County Assessor-Recorder</p>	<p>Declaration, claims he has property in Siskiyou County. Claims he moved to MSV in 2015</p> <p>No current parcels owned in Megabyte system. Source: Craig Kay, Siskiyou County Assessor-Recorder</p>	<p>His name does not appear in the CAD system. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office</p>	<p>No record of citations. Source: Donna Hamilton, Criminal Records Technician, Siskiyou County Sheriff's Office</p> <p>No water permits applied for</p>
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